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In re Application of
MORIMOTO *et al*
U.S. Application No.: 10/567,285
PCT No.: PCT/EP2005/052225
Int. Filing Date: 04 August 2003
Priority Date: None
Attorney Docket No.: KOMOP0109US
For: POWER SUPPLY DEVICE AND
COMMUNICATION SYSTEM

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 19 May 2008.

BACKGROUND

On 18 March 2008, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration and surcharge fee were required. Applicants were given two months to respond with extensions of time available.

On 19 May 2008, applicants filed the subject response which was accompanied by, *inter alia*, a petition under 37 CFR 1.47(a); a declaration signed by four of the five inventors on behalf of the nonsigning inventor; the surcharge fee and petition fee; a declaration of Masaru Nishijima; an unsigned assignment; and copies of several documents in a foreign language without an English translation.

DISCUSSION

Applicants claim that co-inventor, Kenichi Morimoto, refuses to join in the above-captioned application and have filed the subject petition under 37 CFR 1.47(a).

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuse to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventor on their behalf and on behalf of the nonsigning joint inventor.

Items (1), (2) and (4) of 37 CFR 1.47(a) are satisfied in the petition.

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Regarding item (2) of 37 CFR 1.47(a), a review of the statements by Mr. Nishijima show that applicants would satisfy the requirements of section 409.03(d)(II) of the MPEP. A complete copy of the application, including specification, claims and drawings were purportedly sent to the nonsigning inventor on 25 January 2006, 09 February 2006 and 07 January 2007. Mr. Morimoto has apparently not responded after a letter in which he apparently stated that "I will sign [the documents] after I'm convinced.

However, the documentary evidence provided are in a foreign language (Japanese) without an accompanying English translation. Applicants must submit English translations of the documentary evidence listed by Mr. Nishijima to corroborate the facts detailed in the petition for the petition to be granted.

For this reason, item (2) of 37 CFR 1.47(a) is not yet complete.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available.

Any further correspondence with respect to this matter may be filed electronically via the USPTO EFS-Web, by facsimile to the number listed below, or if mailed addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.


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